

EXHIBIT A

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

HONORABLE JOHN F. WALTER, U.S. DISTRICT JUDGE

REPORTER'S TRANSCRIPT OF
MOTION TO SUPPRESS
MONDAY, MAY 4, 2015
9:05 A.M.
LOS ANGELES, CALIFORNIA

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10 FOR THE DEFENDANT:

11 SEAN K. KENNEDY
12 Federal Public Defender
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15 Deputy Federal Public Defender
16 Central District of California
17 321 East Second Street
18 Los Angeles, California 90012

1 **LOS ANGELES, CALIFORNIA; MONDAY, MAY 4, 2015**
2 **9:05 A.M.**
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5 THE CLERK: Calling item 2, CR 15-131-JFW,
6 United States of America versus Teofil Brank.

7 Counsel, please state your appearances.

8 MS. JAIMEZ: Good morning, Your Honor.

9 Kimberly Jaimez on behalf of the United States. With me
10 at counsel table is AUSA Vanessa Baehr-Jones.

11 MS. AHMAD: Good morning, Your Honor.

12 Seema Ahmad and Ashfaq Chowdhury on behalf of Mr. Brank
13 who is present in custody.

14 THE COURT: All right. Good morning to all.

15 This matter is on the Court's calendar for hearing on the
16 defendant's motion to suppress. That motion was filed on
17 April 17 and appears as document no. 50. The Government filed
18 an opposition to the motion on April 27. That appears as
19 document no. 53. We have several other matters to discuss;
20 however, I want to deal with the motion to suppress first.

21 Based upon my review of the motion to suppress, it does
22 not appear that there are any facts in dispute. Therefore, I
23 don't see the need for an evidentiary hearing although
24 apparently the Government has -- the Government expects or
25 thinks there's going to be an evidentiary hearing. I don't see
 any disputed facts; so I don't see what the purpose is for an

1 response?

2 MS. JAIMEZ: Your Honor, the Government has
3 previously responded to this request orally during the meet and
4 confer on April 28 and made clear to defense counsel that we've
5 turned over everything currently in our custody and control.
6 To the extent that the private investigator has files that are
7 privileged or considered work product, they have not turned
8 them over to the Government, and neither have they provided any
9 privileged log. I did indicate to the defense that the next
10 step would probably be to send some type of third party
11 subpoena to this private investigator since those files are not
12 in our control or our custody at this time.

13 THE COURT: So who's going to send the third party
14 subpoena? This private investigator is the one that -- my
15 memory is he's out of New York?

16 MS. JAIMEZ: Yes, Your Honor. The one that did the
17 initial text message extraction from D.B.'s phone.

18 THE COURT: Is he going to be a witness?

19 MS. JAIMEZ: It's not -- no. This particular party
20 is not relevant to the Government's case at this time. The
21 victim simply brought or retained this private investigator to
22 assist with the FBI investigation initially, but since the
23 private investigator turned over all of their files, the FBI
24 has essentially confirmed everything and turned over whatever
25 is in the FBI's possession to the defense.

1 THE COURT: So he was assisting the FBI?

2 MS. JAIMEZ: Well, not assisting but rather
3 assisting the victim initially, and the victim brought the
4 private investigator files to the initial meeting with the FBI,
5 and the FBI since took the investigation over.

6 THE COURT: So the FBI took over the files at the
7 initial meeting from the private investigator?

8 MS. JAIMEZ: And at that time the only relevant file
9 was an extraction of text messages from the victim's phone.
10 Soon after that the FBI conducted their own extraction of the
11 victim's phone and confirmed all of those text messages, and
12 those have been turned over along with the search warrant
13 results from the defendant's phone.

14 THE COURT: So what's the issue?

15 MS. AHMAD: Your Honor, it appears to me from what
16 Government counsel just represented that the FBI had full
17 access to this private investigator file that was used as part
18 of the investigation of Mr. Brank, and the defense requests the
19 entire file be turned over.

20 THE COURT: That's not what she said. She said it
21 was the extraction file that he brought to the meeting. Your
22 factual statement is not correct. So if you folks want to
23 subpoena them, go ahead and subpoena them, and then we'll sort
24 it out.

25 What's the next issue?